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Serial 2*

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In the Claims

Please amend claims 1, 5-7, 11-12, 15-16, 19, 24-25, 28-29 and 32 as follows:

B4

1. (Amended)

Hybrid maize seed designated 39M27, representative seed of said hybrid 39M27 having been deposited under ATCC accession number PTA-4269.

Sub C2

5. (Twice Amended)

A tissue culture of regenerable cells of a hybrid maize plant 39M27, representative seed of said hybrid maize plant 39M27 having been deposited under ATCC accession number PTA-4269.

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6. (Twice Amended)

The tissue culture according to claim 5, wherein the cells or protoplasts are derived from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

7. (Twice Amended)

A maize plant, or its parts, regenerated from the tissue culture of claim 5 and expressing all the morphological and physiological characteristics of hybrid maize plant 39M27, representative seed having been deposited under ATCC accession number PTA-4269.

11. (Twice Amended)

B4
A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 2, wherein said maize plant has derived at least 50% of its alleles from 39M27 and is capable of expressing a combination of at least two 39M27 traits selected from the group consisting of: a relative maturity of approximately 77 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average early growth, above average test weight, above average dry down, above average root strength, and excellent European Corn Borer resistance.

12. (Amended)

B7
The hybrid maize plant according to claim 2, wherein the genetic material of said plant contains one or more transgenes.

15. (Twice Amended)

B8
A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 12, wherein said maize plant has derived at least 50% of its alleles from 39M27 and is capable of expressing a combination of at least two 39M27 traits selected from the group consisting of: a relative maturity of approximately 77 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average early growth, above average test weight, above average dry down, above average root strength, and excellent European Corn Borer resistance.

16. (Twice Amended)

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The hybrid maize plant according to claim 2, wherein the genetic material of said plant contains one or more genes transferred by backcrossing.

19. (Twice Amended)

B10
A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 16, wherein said maize plant has derived at least 50% of its alleles from 39M27 and is capable of expressing a combination of at least two 39M27 traits selected from the group consisting of: a relative maturity of approximately 77 based on the Comparative

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Claim 10

Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average early growth, above average test weight, above average dry down, above average root strength, and excellent European Corn Borer resistance.

B 11

24. (Twice Amended)

A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 20, wherein said maize plant has derived at least 50% of its alleles from 39M27 and is capable of expressing a combination of at least two 39M27 traits selected from the group consisting of: a relative maturity of approximately 77 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average early growth, above average test weight, above average dry down, above average root strength, and excellent European Corn Borer resistance.

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25. (Amended)

The hybrid maize plant according to claim 20, wherein the genetic material of said plant contains one or more transgenes.

B 13

28. (Twice Amended)

A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 25, wherein said maize plant has derived at least 50% of its alleles from 39M27 and is capable of expressing a combination of at least two 39M27 traits selected from the group consisting of: a relative maturity of approximately 77 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average early growth, above average test weight, above average dry down, above average root strength, and excellent European Corn Borer resistance.

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29. (Amended)

The hybrid maize plant according to claim 20, wherein the genetic material of said plant contains one or more genes transferred by backcrossing.

32. (Twice Amended)

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A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 29, wherein said maize plant has derived at least 50% of its alleles from 39M27 and is capable of expressing a combination of at least two 39M27 traits selected from the group consisting of: a relative maturity of approximately 77 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average early growth, above average test weight, above average dry down, above average root strength, and excellent European Corn Borer resistance.

Please add new claims 33 – 40 as follows:

33. (New)

Sub 14

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A method of making a hybrid maize plant designated 39M27 comprising:
crossing an inbred maize plant GE516214, deposited as PTA-4281 with a second inbred maize plant GE533139, deposited as PTA-4283; and
developing from the cross a hybrid maize plant representative seed of which having been deposited under ATCC Accession Number PTA-4269.

34. (New)

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A method of making an inbred maize plant comprising:
obtaining the plant of claim 2 and
applying double haploid methods to obtain a plant that is homozygous at
essentially every locus, said plant having received all of its alleles from maize hybrid plant 39M27.

35. (New)

A method for producing an 39M27 progeny maize plant comprising:

- growing the plant of claim 2, and obtaining self or sib pollinated seed therefrom; and
- producing successive filial generations to obtain a 39M27 progeny maize plant.

36. (New)

A maize plant produced by the method of claim 35, said maize plant having received all of its alleles from hybrid maize plant 39M27.

37. (New)

A method for producing a population of 39M27 progeny maize plants comprising:

- (a) obtaining a first generation progeny maize seed produced by crossing the maize plant of claim 2 with a second maize plant;
- (b) growing said first generation progeny maize seed to produce F_1 generation maize plants and obtaining self-pollinated seed from said F_1 generation maize plants; and
- (c) repeating the steps of growing and harvesting successive filial generations to obtain a population of 39M27 progeny maize plants.

38. (New)

The population of 39M27 progeny maize plants produced by the method of claim 37, said population, on average, deriving at least 50% of its alleles from 39M27.

39. (New)

A 39M27 maize plant selected from the population of 39M27 progeny maize plants produced by the method of claim 37, said maize plant deriving at least 50% of its alleles from 39M27.

40. (New)

The method of claim 37, further comprising applying double haploid methods to said F_1 generation maize plant or to a successive filial generation thereof